

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY BOATRIGHT,)	
)	
Petitioner,)	Civil Action No. 17-773
)	
v.)	
)	
ROBERT GILMORE, <i>Superintendent, et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

Pending before the court is a pro se Motion for Reinstatement of Writ of Habeas Corpus (ECF No. 37) filed by Anthony Boatright (“Petitioner”), a state prisoner currently incarcerated at the State Correctional Institution at Greene (“SCI-Greene”) in Waynesburg, Pennsylvania. The motion will be decided without a response from Respondents.

On June 13, 2017, Petitioner filed a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), seeking habeas relief from criminal convictions in the Court of Common Pleas of Allegheny County, Pennsylvania. ECF No. 1 at 1.

On May 23, 2018, a United States Magistrate Judge issued a Report and Recommendation recommending that the Petition be dismissed, and that a certificate of appealability be denied. ECF No. 24. Petitioner submitted Objections on July 16, 2018. ECF No. 29. The court denied the Petition on August 20, 2018, adopting the Report and Recommendation, as supplemented by a Memorandum Opinion filed on the same date. ECF Nos. 30, 31, and 32.

Petitioner timely filed a Notice of Appeal on September 11, 2018. ECF No. 33. The Third Circuit Court of Appeals denied a certificate of appealability on August 1, 2019. ECF No. 36.

On March 26, 2024 – nearly five years after the Court of Appeals denied Petitioner a certificate of appealability – Petitioner filed the pending Motion for Reinstatement of Writ of

Habeas Corpus. ECF No. 37. In his Motion, Petitioner cites to a motion for stay filed on January 7, 2019, in his proceedings at the Court of Appeals, and asks for his appeal rights to be reinstated. Id. at 1; see also Motion to Temporary Stay the Proceedings (Stay of Abeyance) [*sic*], Boatright v. Sup't Greene SCI, No. 18-3029 (3d Cir. filed Jan. 7, 2019). That underlying motion was denied by the Court of Appeals in its Order dated August 1, 2019, denying a certificate of appealability. ECF No. 36 at 1. Petitioner provides no additional basis upon which to reinstate any appellate rights.

As of the date of this Order, his case is closed, and there are no appeal rights to reinstate. If Petitioner wishes to file a second or successive habeas petition, he first must seek permission from the Court of Appeals. See 28 U.S.C. § 2244(b)(3).

Conclusion

For the reasons set forth above, the Motion for Reinstatement of Writ of Habeas Corpus (ECF No. 37) will be DENIED.

An appropriate Order will be entered.

BY THE COURT:

s/ Joy Flowers Conti
JOY FLOWERS CONTI
UNITED STATES DISTRICT JUDGE

cc: Hon. Maureen P. Kelly

Anthony Boatright
JR-4152
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